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JUL 12 2007

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PA-057.10731-US

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Non-Final Office Action mailed on April 12, 2007. Claim 15 is amended. New claims 23-25 are presented. Applicant respectfully requests reconsideration of this application.

§102 Rejections

The Examiner rejected claims 15 and 17 under 35 U.S.C. §102 as being anticipated by *Golstein* (U.S. Patent No. 4,210,429) or alternatively by *Gibson* (U.S. Patent No. 6,869,468). Claim 15 is amended to include the step of “pivotally attaching a first end of an inner compartment to an outer compartment, the inner compartment including a filtering device.” The Examiner has admitted that the prior art references do not disclose an inner compartment pivotally attached at a first end to an outer compartment (see Office Action of April 12, 2007, page 5, paragraph 10). Accordingly, claims 15-17 are in condition for allowance.

§103 Rejections

Claims 1-4 and 9-11 stand rejected under 35 U.S.C. §103 as being unpatentable over *Reisfeld, et al.* (U.S. Patent No. 6,884,399) in view of either *Golstein* or *Gibson*. Again, Applicant respectfully traverses this rejection. There is no *prima facie* case of obviousness because there is no benefit to making the combination.

In this instance, there is no benefit to making the combination because *Reisfeld, et al.* already includes the capability of controlling the UV lamps 20, 22. As previously explained, for example, *Reisfeld, et al.* teaches a fan coil control 110 containing the control program necessary to control UV lamps 20, 22 (see column 5, lines 13-16). The fan coil control 110 includes several operational modes 80 that are selectable by a switch 81 (column 5, lines 20-22). In addition, the fan coil controller 110 may utilize a tolerance index or a motion detector to determine whether the conditioned space is occupied and therefore whether the UV lamp 20, 22 need to be turned on (column 5, lines 40-44). Therefore, adding the switches of *Golstein* or *Gibson* to the *Reisfeld, et al.* arrangement would be useless or redundant at best because the fan coil control 110 already adequately provides for controlling the UV lamps 20, 22.

Moreover, *Reisfeld, et al.* teaches away from making the proposed combination because the fan coil unit 100 of *Reisfeld, et al.* is attached externally to a ceiling or other structural element (column 4, lines 43-47). That is, the fan coil unit 100 of *Reisfeld, et al.* is not disposed within an

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interior of the building such as where occupants would reside. Therefore, there is no danger of unwanted exposure to UV light with regard to the *Reisfeld, et al.* arrangement.

The Examiner further argues that *Reisfeld, et al.*'s fan coil control 110 controls the UV lamps even without the filtering device and that the switches of *Goldstein* or *Gibson* would improve the safety of the photocatalytic purifier 10 when the filtering device is withdrawn from the module. However, because the photocatalytic purifier 10 of *Reisfeld, et al.* is used only in a fan coil unit or a duct, which are both exterior from the space being monitored, the only instance where the filtering device would be withdrawn from the module would be during repair. A repairman would certainly understand that the UV lamps should be turned off during repair, and could easily do so by selecting the appropriate operational mode or by simply shutting down the unit. Adding the switches of *Goldstein* or *Gibson* would only add additional expense and complexity to the system. The Examiner is improperly using hindsight reasoning to formulate the proposed combination. Therefore, claims 1-4 and 9-11 are not obvious.

For identical reasons as those presented above with respect to claims 1-4 and 9-11, claims 12 and 18-22 are not obvious over the combination of *Reisfeld, et al.* in view of *Goldstein* or *Gibson*. As stated, there is no benefit achieved by the proposed combination.

New claims 23-25 are added and include similar features as claims 5-7. The Examiner has indicated the allowability of claims 5-7. Therefore, claims 23-25 are likewise in condition for allowance.

Accordingly, it is respectfully submitted that all claims are in condition for allowance.

Applicant believes that additional fees of \$150 are necessary for three additional claims in excess of twenty. The Commissioner is authorized to charge Deposit Account No. 03-0835 in the name of Carrier Corporation for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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Dated: July 12, 2007

CERTIFICATE OF FACSIMILE

I hereby certify that this Response is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on July 12, 2007.


Laura Combs

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